

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Additional Comment Sought on	)	CG Docket No. 03-123
Structure and Practices of the	)	
Video Relay Service (VRS) Program	)	CG Docket No. 10-51
and on Proposed VRS Compensation Rates	)	
	)	

**Comments of  
Communications Workers of America  
in partnership with Video Interpreters**

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The Communications Workers of America (“CWA”) in partnership with Video Interpreters submits these comments in response to the Commission’s Public Notice seeking additional comment on the structure and practices of the Video Relay Service (“VRS”) Program and on proposed VRS compensation rates.<sup>1</sup> CWA is the union for the Information Age, representing 700,000 workers in communications, media, airlines, manufacturing and public service. CWA has been working with frontline video interpreters who are employed by a certified vendor that provides interpretation services to the deaf and hard-of-hearing work as part of the Commission’s VRS program .

The Commission in recent years has made significant progress in reducing waste, fraud, and abuse in the VRS program. CWA in partnership with Video Interpreters fully support these efforts to ensure that VRS program resources are directed to the provision of quality video interpretation services to deaf and hard-of-hearing consumers rather than paying for inflated corporate profits and excessive executive compensation packages. CWA’s partner frontline Video Interpreters are acutely aware of the need to maintain integrity in the VRS program to ensure that funds are directed to meeting the important goal of the program: support of direct services to all deaf and hard-of-hearing eligible users that offer the functional equivalent telecommunications services used by hearing consumers.

As the Commission moves forward in its efforts to align VRS compensation rates more accurately with provider costs, CWA and our partner Video Interpreters emphasize that the Commission must simultaneously take appropriate steps to ensure that additional quality standards are put in place to protect the quality of service consumers receive. We are cognizant

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<sup>1</sup> Public Notice, “Additional Comments South on Structure and Practices of the Video Relay Service (VRS) Program

and fully supportive of the fact that the Commission's goal in re-aligning compensation rates is designed to reduce the excessive profits of VRS providers, profits that serve to enrich VRS providers' executives at the expense of deaf and hard-of-hearing consumers. However, absent Commission action to implement additional quality standards concurrent with any downward adjustment of compensation rates, VRS providers will have the incentive and ability to adopt staffing practices that will directly hurt the quality of video relay service that deaf and hard-of-hearing customers receive.

In fact, in response to the Commission's ongoing actions and discussion of possible reduction in VRS compensation rates in this instant proceeding, VRS providers have already begun to increase the previously demanding workload of video interpreters who take calls in Spanish and English to such a degree that it impairs the ability of video interpreters to provide quality interpretation services to consumers. Current Commission quality benchmarks for VRS are limited to answer time standards, and thus do not protect deaf and hard-to-hearing consumers when VRS providers choose to implement service-impacting staffing cuts or heavier workloads in response to a reduction in VRS compensation rates.<sup>2</sup> Given the market structure for video interpretation services, in which one firm dominates the market, competition alone will not ensure quality service in the VRS program. Deaf and hard-of-hearing consumers cannot simply "vote with their feet" if the dominant VRS providers choose to impose service-impacting staffing policies in response to reductions in Commission reimbursement rates. The Commission has past

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and on Proposed VRS Compensation Rates," CG Docket Nos. 03-123, 10-51, Oct. 15, 2012 ("Public Notice").

<sup>2</sup> The current FCC rule requires VRS providers to answer 80 percent of all VRS calls within 120 seconds, measured on a monthly basis. *See In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order on Reconsideration*, CG Docket Nos. 05-139, 03-123; July 19, 2005 (rel).

precedent for imposing quality standards to ensure that its regulatory policies do not have the perverse impact of reducing the quality of service received by consumers. For example, when the Commission in the 1990s adopted price cap regulation for interstate access charges, the Commission at the same time adopted data reporting requirements regarding the timely provision of repair, installation, and customer inquiries for voice telephony services.

Research in the field of spoken video interpretation has found that adequate staffing of video interpreters is the key to quality in the field. Barbara Moser-Mercer, a leading scholar in the field of spoken language interpreting in video settings, has found that interpreter performance declines after 15 minutes of interpreting.<sup>3</sup> The Registry of Interpreters for the Deaf, Inc., the professional association of video interpreters, cites this research in support of its recommendation for “frequent breaks during a[n] [interpreting] shift ... to encourage quality of interpreting services.”<sup>4</sup>

These findings have implications for this instant proceeding. Video Interpreters report to CWA that their employer frequently expects interpreters to process calls for 50 or more consecutive minutes despite the evidence that the performance of the interpreter and consequent quality of service received by the consumer declines after 15 minutes of steady interpreting.<sup>5</sup> A higher rate of misinterpretation leads to an extended call length, repeated calls in order to correct misinterpretations, or even worse, misinterpretation that is undetected by the parties on the call.

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<sup>3</sup> In a study of remote interpreting, Moser-Mercer found that “[T]he onset of fatigue under remote conditions, as evidenced by a decrease in performance, appears to occur fairly soon after “half-time”, i.e. somewhere between 15 and 18 minutes into a 30-minute turn. Quality of performance then declines consistently irrespective of time of day.” See Barbara Moser-Mercer, “Remote Interpreting: assessment of human factors and performance parameters,” 2003 (available at [http://aiic.net/page/1125#authors\\_bio](http://aiic.net/page/1125#authors_bio)).

<sup>4</sup> Registry of Interpreters for the Deaf, Inc., Standard Practice Paper, “Video Relay Service Interpreting,” 2007 (available at [http://www.rid.org/UserFiles/File/pdfs/Standard\\_Practice\\_Papers/Drafts\\_June\\_2006/VRS\\_SPP.pdf](http://www.rid.org/UserFiles/File/pdfs/Standard_Practice_Papers/Drafts_June_2006/VRS_SPP.pdf)).

<sup>5</sup> *Ibid.*

Extended call length and unnecessary return calls add to the program costs in terms of minutes billed; such waste can be avoided through appropriate staffing standards established by the Commission.

CWA and our partner Video Interpreters recommend that the Commission establish a VRS Service Quality Task Force composed of leading video relay researchers and representatives from the Video Interpreters community (including representatives from the Registry of Interpreters for the Deaf, Inc. and frontline Video Interpreters who do the work) with the express mission to analyze the factors impacting the quality of service provided by video interpreters funded through the Commission's VRS program, and to make recommendations to the Commission on quality benchmarks, data reporting, and appropriate penalties needed to ensure that certified VRS providers maintain the highest quality of service. The proposed VRS Service Quality Task Force should be mandated to make recommendations on staffing ratios, training, and certification.

Finally, as the Commission considers adjustments to the VRS compensation rates, it must ensure that reimbursement policies are in conformance with the principles embodied in the federal Service Contract Act. The Service Contract Act, originally passed in 1965, is designed to ensure that federal vendors whose wage and benefit rates and working conditions are determined through an arms-length collective bargaining process are able to receive payment for services delivered sufficient to cover those contractual obligations.<sup>6</sup> The Commission must ensure that

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<sup>6</sup> Service Contract Act of 1965, as amended (Jan. 2006), 41 U.S.C. 351, et seq. (stating that contracts and bid specifications subject to the Service Contract Act "shall contain a provision specifying the minimum wage to be paid to each class of service employee engaged in the performance of the contract or any subcontract, as determined by the Secretary or the Secretary's authorized representative, in accordance with prevailing rates in the locality, or, *where a collective-bargaining agreement covers the service employees, in accordance with the rates provided for in the agreement, including prospective wage increases provided for in the agreement as a result of arm's length*

any VRS certified vendor whose employees select union organization and thus engage in collective bargaining to set wage and benefit rates and working conditions are able to receive VRS compensation sufficient to cover the conditions established in the collective bargaining agreement.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Debbie Goldman".

Debbie Goldman  
Telecommunications Policy Director

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*negotiations” (emphasis added) and “shall contain a provision specifying the fringe benefits to be provided to each class of service employee engaged in the performance of the contract or any subcontract, as determined by the Secretary or the Secretary's authorized representative to be prevailing in the locality, or, where a collective-bargaining agreement covers the service employees, to be provided for under the agreement, including prospective fringe benefit increases provided for in the agreement as a result of arm's-length negotiations.” (emphasis added)*